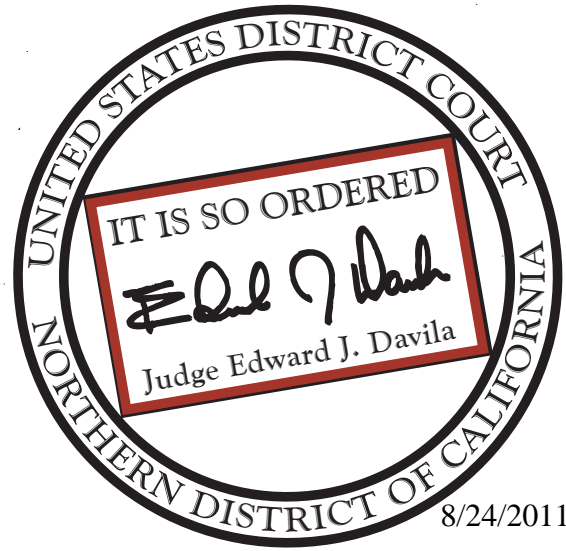


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Attorneys for Defendants
 EMPIRE FIRE AND MARINE INSURANCE
 COMPANY [erroneously sued herein as
 Empire Fire & Marine Insurance
 Company] and STERLING NATIONAL
 INSURANCE AGENCY, INC. [now known as QBE
 FIRST Insurance Agency, Inc., formerly known as
 Sterling National Insurance Agency, Inc., formerly
 known as ZC Sterling Insurance Agency, Inc., and
 erroneously sued herein as ZC Sterling Insurance
 Agency, Inc.]



UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE

CLARENCE CHAN, an Individual

Plaintiff,

vs.

EMPIRE FIRE & MARINE
 INSURANCE COMPANY, an unknown
 business entity, ZC STERLING
 INSURANCE AGENCY, INC., a
 corporation; ZURICH, an unknown
 entity; and Does 1-100, inclusive,

Defendant(s).

Case No.: C10-02528-EJD

~~PROPOSED~~ [PROPOSED] JUDGMENT OF DISMISSAL
 OF THE ENTIRE ACTION ON THE ORDER
 GRANTING SUMMARY JUDGMENT IN
 FAVOR OF Defendants EMPIRE FIRE AND
 MARINE INSURANCE COMPANY,
 [erroneously sued herein as Empire Fire &
 Marine Insurance Company] AND STERLING
 NATIONAL INSURANCE AGENCY, INC.
 [now known as QBE FIRST Insurance Agency,
 Inc., formerly known as Sterling National
 Insurance Agency, Inc., formerly known as ZC
 Sterling Insurance Agency, Inc., and
 erroneously sued herein as ZC Sterling
 Insurance Agency, Inc.]

Date: July 15, 2011 [Under Submission].

Time: 9:00 a.m.

Dept: 1

Judge: Hon. Edward J. Davila

Trial Date: None

Complaint Filed: February 3, 2010

1 In this action, two motions for summary judgment brought by defendants EMPIRE FIRE
2 AND MARINE INSURANCE COMPANY and STERLING NATIONAL INSURANCE
3 AGENCY, INC. were taken under submission by the Honorable Edward J. Davila without a
4 hearing as prescribed by Northern District of California Local Rule 7-1.

5 Whereas the evidence and issues presented having been fully considered and a decision
6 having been duly rendered, and whereas on July 29, 2011, the Court granted defendants EMPIRE
7 FIRE AND MARINE INSURANCE COMPANY and STERLING NATIONAL INSURANCE
8 AGENCY, INC.'s Motions for Summary Judgment in their favor on the complaint filed by
9 Plaintiff Clarence Chan. Attached hereto as Exhibit A is a copy of this Court's Order granting
10 summary judgment.

11 Whereas the Court's ruling would entitle Defendants EMPIRE FIRE AND MARINE
12 INSURANCE COMPANY and STERLING NATIONAL INSURANCE AGENCY, INC. to a
13 judgment of dismissal with prejudice in their favor on all causes of action against them in
14 Plaintiff's Complaint.

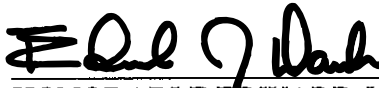
15 Whereas Plaintiff's complaint also names "ZURICH an unknown entity" that was never
16 served with process and has not generally appeared in this action. Attached hereto as Exhibit B is
17 a true and correct copy of the Summons and Empire Fire And Marine Insurance Company And
18 Sterling National Insurance Agency, Inc.'s answer filed in the Superior Court County of Santa
19 Clara prior to the action being removed to federal court.

20 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT Plaintiff Clarence
21 Chan take nothing, that the action be dismissed on the merits and that a judgment of dismissal
22 with prejudice of the entire action on the complaint brought by Plaintiff Clarence Chan in the
23 above-entitled action is entered in favor of Defendants EMPIRE FIRE AND MARINE
24 INSURANCE COMPANY, and STERLING NATIONAL INSURANCE AGENCY, INC. [now
25 known as QBE FIRST Insurance Agency, Inc., formerly known as Sterling National Insurance
26 Agency, Inc., formerly known as ZC Sterling Insurance Agency, Inc., and erroneously sued
27 herein as ZC Sterling Insurance Agency, Inc.] and ZURICH, an unknown entity, as to all causes
28

1 of action stated against them.

2 The Clerk shall close this file.

3 Dated: August 24, 2011



HONORABLE EDWARD J. DAVILA
DISTRICT JUDGE FOR THE
NORTHERN DISTRICT OF CALIFORNIA

BISHOP | BARRY | DRATH
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EMERYVILLE, CALIFORNIA 94608
TEL. NO. (510) 596-0888
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CLARENCE CHAN,
Plaintiff,

Case Number: CV10-02528 EJD

CERTIFICATE OF SERVICE

v.

EMPIRE FIRE & MARINE INSURANCE
COMPANY, ET AL. et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 24, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Clarence Chan
3195 Alexis Drive
Palo Alto, CA 94303

Dated: August 24, 2011

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk